



3747
T#46 | Reconsideration
11/27/02
J.C.

[10191/1831]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Dietbert SCHOENFELDER et al.
Serial Number : 09/864,489
Filing Date : 05/24/2001
For : METHOD AND DEVICE FOR CONTROLLING AN INTERNAL COMBUSTION ENGINE
Examiner : MILLER, Carl Stuart
Art Group : 3747

Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

Date: November 15, 2002

Reg. No. 36,197

Signature:

Jong H. Lee

RECEIVED
NOV 26 2002
TECHNOLOGY CENTER R3700

RESPONSE

SIR:

This Response addresses the Office Action mailed September 20, 2002, and it is respectfully submitted that this response places the above-identified application in condition for allowance. Claims 1-7 are pending in the present application and Claims 1-7 stand rejected.

REMARKS

Claims 1-4 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,575,146 to Creighton ("the Creighton reference"). According to the Office Action:

Creighton teaches a "fixed time interval" between pilot and main injection pulses. The main pulse is also a function of engine speed. The control elements of the reference are, of course, driving switches used to power an electro-expansive pump element.

To reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every limitation is identically disclosed in a single prior art reference. *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed.Cir. 1991). "The identical invention must be shown in as complete detail as is contained in the claim."

M.P.E.P. § 2131.